

*JFW*



PATENT  
Customer No. 22,852  
Attorney Docket No. 3495.0308-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Stephen GIRARDIN et al. ) Group Art Unit: 1653  
)  
Serial No.: 10/808,735 ) Examiner: Robert A. Wax  
)  
Filed: March 25, 2004 ) Confirmation No.: 5618  
)  
For: A METHOD FOR MODULATING )  
NOD1 ACTIVITY, USE OF A MTP )  
RELATED MOLECULE FOR )  
MODULATING NOD1 ACTIVITY, )  
AND THERAPEUTIC )  
APPLICATIONS THEREOF )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated November 15, 2005, the Examiner required restriction under 35 U.S.C. § 121 among:

- I. Claims 1-5, drawn to method for modulating Nod1 activity comprising expressing Nod1 and contacting with a molecule related to MTP;
- II. Claims 6-8, drawn to method for modulating inflammation and/or apoptosis comprising administering a molecule related to MTP;
- III. Claims 9-14, 17 and 25, drawn to a molecule related to MTP and compositions thereof;
- IV. Claim 15, drawn to method for enhancing the immune response of a host comprising administering an antigen and a compound from Group III;

- V. Claims 16 and 19, drawn to method for providing an immune response in a host comprising administering a composition from Group III;
- VI. Claim 18, drawn to method of vaccination comprising administering a composition from Group III;
- VII. Claim 20, drawn to method for detecting the dysfunction of a molecule of the inflammatory and/or apoptosis pathway in which Nod1 is involved including use of MTP;
- VIII. Claim 21, drawn to method for screening a molecule which is capable of modulating an inflammatory and/or apoptotic response obtained after direct or indirect interaction between Nod1 and MTP;
- IX. Claim 22, drawn to molecule identified by the screening process of claim 21, unclassifiable since no chemical structure is specified;
- X. Claim 23, drawn to method for modulation of inflammation and/or apoptosis comprising administering a molecule identified by the screening process of Group VIII;
- XI. Claim 24, drawn to complex of Nod1 and MTP;
- XII. Claims 26-29, drawn to method for detecting peptidoglycan from Gram-negative bacteria employing Nod1;
- XIII. Claims 30-33, drawn to method for the detection of peptidoglycan in a sample and optionally determining the Gram-negative or Gram-positive bacterial (sic) origin of said peptidoglycan employing Nod1; and

XIV. Claim 34, drawn to method for screening [for] a molecule that modulates interaction between Gram-negative bacteria peptidoglycan and Nod1 comprising contacting with Nod1.

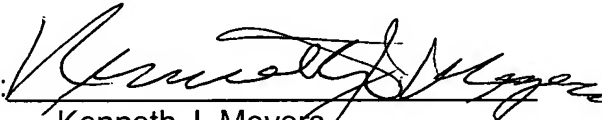
Applicants provisionally elect to prosecute Group 1, claims 1-5, drawn to method for modulating Nod1 activity comprising expressing Nod1 and contacting with a molecule related to MTP.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 2, 2005

By: 

Kenneth J. Meyers

Reg. No. 25,146

Phone: (202) 408-4033

Fax: (202) 408-4400

E-mail: Ken.Meyers@finnegan.com